

MEMO ENDORSED



STATE OF NEW YORK
OFFICE OF THE ATTORNEY GENERAL

LETITIA JAMES
ATTORNEY GENERAL

DIVISION OF STATE COUNSEL
LITIGATION BUREAU

By ECF and Fax

September 29, 2020

The Honorable Nelson S. Román
United States District Judge
United States District Court
Southern District of New York
300 Quarropas Street
White Plains, New York 10601-4150

Re: Marhone v. Cassel, 16-Civ-4733 (NSR)(LMS)(pro se)

Dear Judge Román:

This office represents Superintendent Joseph Smith, the remaining defendant in this pro se prison conditions matter. Defendant respectfully requests an adjournment of the status conference currently scheduled for October 2, 2020. The adjournment is requested because additional time will be needed to address a discovery dispute discussed at the conference before Judge Smith on September 16, 2020. A briefing schedule has been set for plaintiff's proposed motion to compel, with briefing currently scheduled to be completed by October 31, 2020, potentially followed by an additional conference before the Magistrate Judge. See minute entry for September 16, 2020. In addition, the deadline for plaintiff's reply brief on his motion for reconsideration of the claims previously dismissed by the Court has been extended to October 7, 2020. The Court has granted defendant's seven prior requests due to the continuation of discovery by orders dated June 17, September 6, October 16, October 30, and December 16, 2019, March 3, 2020, and July 13, 2020. The Court has also previously adjourned the conference sua sponte twice by orders dated May 6, 2019, and April 13, 2020. Plaintiff consents to this application.

Respectfully submitted,

/s/ Steven N. Schulman
STEVEN N. SCHULMAN
Assistant Attorney General
(212) 416-8654

cc: Conrad Marhone (by Mail)
02-A-2625
Eastern Correctional Facility
Box 338
Napanoch, NY 12458-0338

The Hon. Lisa M. Smith, USMJ (by ECF)

Defendant's request to adjourn the Status Conf. from Oct. 2, 2020 until Jan. 6, 2021 at 10:00 am is granted on consent of Plaintiff. Defendant directed to mail a copy of this endorsement to pro se Plaintiff at the address on ECF and file proof of service. Clerk of Court requested to terminate the motion (doc. 129).

SO ORDERED:

28 Liberty Street, New York, NY 10005 • Tel.: (212) 416-8610
www.ag.ny.gov

Dated: Sept. 30, 2020

HON. NELSON S. ROMÁN
UNITED STATES DISTRICT JUDGE

